IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4817 OF 2005

Shri Sitaram Balaram Rajput .. Petitioner

versus

The District Collector, Solapur
District Solapur & ors .. Respondents

Mr.S.G.Kudle for Petitioner

Mr.C.R.Sonawane, Assistant Government Pleader
for Respondent nos. 1 to 4.

CORAM : S.B.MHASE AND
D.G.KARNIK, JJ

DATED : 20th January, 2006

ORAL ORDER (Per S.B.Mhase, J)

1. Heard Mr.Kudle, learned counsel for the petitioner.

2. The petitioner is a Sarpanch of village Hilli Taluka Akkalkot, District Solapur. He has challenged the Notification issued by the respondent no.2-Additional Collector, the officer authorised by the State Election Commissioner whereby formation of the wards and the reservation in respect of three wards for scheduled castes and

scheduled tribes has been shown.

3. In this petition, the petitioner has challenged the reservations made by the respondents contending that the population of scheduled castes people is hardly 100 persons belonging to the said communities and not 844 as shown by respondent and therefore, reservation of any seats in favour of the scheduled castes and scheduled tribes is bad-in-law. The State has filed the reply and has also produced the report of the census carried out by the Joint Director of Census Operations Maharashtra, Mumbai and as per the said census the population of the scheduled castes and scheduled tribes in village Hilli is 844 and the said figure has been taken as a basis by the respondents to fix the seats for the reservation. The learned counsel tried to submit that the census cannot be accepted. He submitted that he has brought material to demonstrate that the census figures are incorrect. Such a challenge is not open to the petitioner. The census was carried out by the respondents in accordance with the rules and laws and the figures have been published. Thus, the figures are official figures. In fact when the census was going on, it was for the petitioner to point out those authorities and/or to provide appropriate

information which he is trying to impress upon this Court. Having failed to do that, it will not be open now to say that the census figures are incorrect. We find that the authorities have acted upon the officially published figures in respect of scheduled castes and scheduled tribes population and have carried out the reservation in respect of the gram panchayat of village Hilli. The whole attempt of the petitioner is to keep all the seats of the gram panchayat in favour of the open candidates and even though it is averred that the petitioner has no grievances against S.T. and S.C.persons; the ultimate result to be achieved would be to deprive the elected representation to them in the gram panchayat and therefore, the statement made in the petition showing that he has no animosity against any reserved class is nothing but, crocodile’s tears.

4. The petition is devoid of merits. It deserves to be rejected. It is rejected summarily.

(D.G. KARNIK, J) **(S.B.MHASE, J)**